



DT03 Rec'd PCT/PTO 0 NOV 2004

#5  
with  
Surcharge

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.

ELI LILLY AND COMPANY

By Linda M. Durbin Date October 29, 2004

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	:	Thomas Patrick Burris	)	
			)	Confirmation No:
Serial No.	:	10/500,912	)	8449
			)	
I.A. Filing Date	:	February 14, 2003	)	
			)	
For	:	METHOD OF TREATING	)	
		ATHEROSCLEROSIS AND	)	
		HYPERCHOLESTEROLEMIA	)	
			)	
Docket No.	:	X-14934	)	

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to a "Notice to File Missing Parts of Application" dated September 3, 2004, noting the absence of a declaration from the papers filed with the above-identified application.

Enclosed herewith are:

- 1) a copy of the Notice;
- 2) a computer-readable copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(e);
- 3) a paper copy of the Sequence Listing pursuant to 37 C.F.R. § 1.821(c);

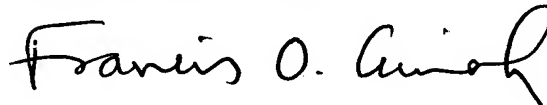
11/08/2004 LLANDGRA 00000026 050840 10500912

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- 4) an affirmation pursuant to 37 C.F.R. § 1.821(f); and
- 5) a Preliminary Amendment amending the specification to include the sequence listing.
- 6) a Declaration required under 37 C.F.R. 1.497(a).

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required by §1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

Respectfully submitted,



Francis O. Ginah  
Attorney for Applicant  
Registration No. 44,712  
Phone: 317-276-9477

Eli Lilly and Company  
Patent Division/FOG  
P.O. Box 6288  
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October 29, 2004

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO 10/500,912	FIRST NAMED APPLICANT Thomas Patrick Burris	ATTY. DOCKET NO. X-14934
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INTERNATIONAL APPLICATION NO. PCT/US03/02685
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LA FILING DATE 02/14/2003	PRIORITY DATE 02/28/2002
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25885  
 ELI LILLY AND COMPANY  
 PATENT DIVISION  
 P.O. BOX 6288  
 INDIANAPOLIS, IN 46206-6288

RECEIVED

SEP 14 2004

ELI LILLY &amp; COMPANY, PATENT DEPT.

CONFIRMATION NO. 8449

371 FORMALITIES LETTER

\*OC000000013695317\*

Date Mailed: 09/03/2004

Due 11-3-2004

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/08/2004
- Copy of the International Search Report filed on 07/08/2004
- Preliminary Amendments filed on 07/08/2004
- Information Disclosure Statements filed on 07/08/2004
- U.S. Basic National Fees filed on 07/08/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c) and PCT Rule 5.2(a).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
  - **APPLICANT MUST PROVIDE:**
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO	ATTY. DOCKET NO.
10/500,912	PCT/US03/02685	X-14934